

1 PETER GOODMAN  
Attorney at Law  
2 State Bar No. 65975  
400 Montgomery Street, Second Floor  
3 San Francisco, California 94104  
Telephone: (415) 781-8866  
4 Facsimile: (415) 781-2266  
E-Mail: [goodmanlawoffice@att.net](mailto:goodmanlawoffice@att.net)

5 Attorney for Defendant  
6 MICHAEL TOMADA

7 UNITED STATES DISTRICT COURT  
8 NORTHERN DISTRICT OF CALIFORNIA  
9 OAKLAND DIVISION  
10

11 UNITED STATES OF AMERICA,	)	CR-14-0285 JST
12 Plaintiff,	)	STIPULATION AND <del>[PROPOSED]</del> ORDER
13 vs.	)	VACATING STATUS CONFERENCE DATE
14 JEREMY DONAGAL, et al.,	)	AND SETTING NEW DATE FOR FURTHER
15 Defendants.	)	<u>STATUS CONFERENCE</u>
16	)	
17	)	

18 The United States of America, by its attorneys, Brian Stretch, Acting United  
19 States Attorney, and Assistant United States Attorney ("AUSA") Kevin Barry, and  
20 defendant MICHAEL TOMADA, by his attorney, Peter Goodman, hereby submit this  
21 Stipulation and [Proposed] Order requesting that the December 18, 2015, date that  
22 is currently set for the defendant to appear before this Court for a Status Conference  
23 be vacated and his case be continued to February 19, 2016, for a further Status  
24 Conference.

25 The parties hereby stipulate and agree to the following:

26 1. On May 22, 2014, an eleven count indictment was returned in this matter  
27 against seven defendants, including defendant TOMADA. Counts I and III respectively  
28 charge the defendant with conspiring to possess and possessing with the intent to

1 distribute alprazolam and other controlled substances in violation of 21 U.S.C. §§846  
2 and 841(a)(1).

3       2.       This matter was last before the Court on November 6, 2015. At that time,  
4 defense counsel stated his intention to seek the defendant's medical records and the  
5 court records related to the defendant's prior convictions. Defense counsel believes  
6 those records are necessary to provide AUSA Barry with a complete picture of the  
7 defendant in order to arrive at an appropriate disposition of the case. While defense  
8 counsel has obtained some of the defendant's medical records, the majority of the  
9 relevant records relate to medical treatment the defendant received for injuries in a  
10 motorcycle accident that occurred in 1996 and defense counsel has not yet been able  
11 to obtain those records. The same is true of the court records related to the defendant's  
12 criminal history which date back to 1972.

13       3.       Defense counsel also has a conflict in his schedule which will prevent  
14 him from appearing for the Status Conference tomorrow morning. Defense counsel  
15 is scheduled to appear before Magistrate/Judge Kim in San Francisco at 9:30 a.m.  
16 for the detention hearing of defendant Elizabeth Reyna-Rodriguez, one of eighteen  
17 defendants charged in *United States v. Ceron, et al.*, CR-15-0579 EMC, an indictment  
18 which was returned December 15, 2015.

19       4.       Defense counsel contacted AUSA Barry and explained his need for  
20 additional time to secure records and his scheduling conflict. AUSA Barry is agreeable  
21 to continuing the status conference to Friday, February 19, 2016, at 2:00 p.m., by which  
22 time defense counsel believes he will have obtained all of the needed records.

23       5.       The parties are jointly requesting that the current date for the Status  
24 Conference in this matter of December 18, 2015, be vacated and a further Status  
25 Conference be scheduled for February 19, 2016, at 2:00 p.m. before this Court.

26       6.       The parties further stipulate and agree that time be excluded under the  
27 Speedy Trial Act pursuant to 18 U.S.C. §§3161(h) (7)(A) and (7)(B)(iv) from December  
28 18, 2015, through February 19, 2016, in the interests of justice and to ensure the

1 effective assistance of counsel for defendant TOMADA.

2 SO STIPULATED

3 DATED: December 17, 2015

4 BRIAN STRETCH  
United States Attorney

6  
7 By: /s/  
KEVIN BARRY  
Assistant United States Attorney

9 SO STIPULATED

10 DATED: December 17, 2015

12 /s/  
13 PETER GOODMAN  
Attorney for Defendant  
14 MICHAEL TOMADA

15 ORDER VACATING STATUS CONFERENCE DATE AND  
16 SETTING NEW DATE FOR FURTHER STATUS CONFERENCE

17 Based on the stipulation of the parties and good cause appearing therefor,  
18 IT IS HEREBY ORDERED that the December 18, 2015, date currently set for defendant  
19 TOMADA to appear before this Court for a Status Conference is vacated and the matter  
20 is continued to February 19, 2016, at 2:00 p.m. for a further Status Conference.

21 IT IS FURTHER ORDERED that time shall be excluded under the Speedy Trial  
22 Act pursuant to 18 U.S.C. §§3161(h)(7)(A) and (B)(iv) from December 18, 2015, through  
23 February 19, 2016, in the interests of justice and to ensure effective assistance of  
24 counsel. The Court finds that the ends of justice served by granting the continuance  
25 outweigh the best interests of the public and the defendant in a speedy trial.

26 DATED: December 17, 2015

27   
28 JON S. TIGAR  
UNITED STATES DISTRICT COURT JUDGE